

October 30, 2023

*via* electronic transmission

California Air Resources Board  
1001 I Street  
Sacramento, CA 95812

**Subject:** HCPA Comments on the Request for Information for Senate Bill 1206 Assessment Report

The Household & Commercial Products Association<sup>1</sup> (HCPA) appreciates the opportunity to offer comments to the California Air Resources Board (CARB) on a Request for Information (RFI) to aid in the development of an Assessment Report that will specify how to transition California's economy, by sector, away from high global warming potential (GWP)<sup>2</sup> hydrofluorocarbons (HFCs) through increasing adoption of alternatives and maximizing recovery and reclamation.

HCPA represents a wide range of products, from household cleaners and air fresheners to commercial disinfectant and pest control whose use of aerosol technology makes the aerosol industry an integral part of the household and commercial products industry. HCPA has represented the U.S. aerosol products industry since 1950 through its Aerosol Products Division, representing the interest of those that manufacture, formulate, supply, and market a wide variety of products packaged in an aerosol form. HCPA also represents the manufacturers and marketers of small cans of automotive refrigerant through its Industrial & Automotive Products Division. Due to our members' expertise in these sectors, HCPA is pleased to offer the following comments.

### **Aerosol Products**

Historically, the use of high-GWP HFCs by the aerosol industry was limited to a small number of product categories where their usage was deemed necessary. This is evident from the Environmental Protection Agency's (EPA) most recent<sup>3</sup> Inventory of U.S. Greenhouse Gas Emissions and Sinks, which shows that HFCs in aerosol products contribute a negligible amount to global warming.

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<sup>1</sup>The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

<sup>2</sup> For the purposes of this letter, high-GWP means GWP of 150 or greater.

<sup>3</sup> US EPA 430-R-23-002, Inventory of US GHG Emissions and Sinks, 1990-2021 (EPA, 2023). Available at <https://www.epa.gov/system/files/documents/2023-04/US-GHG-Inventory-2023-Main-Text.pdf>

A few of these product categories still use high-GWP HFCs today; however, the EPA recently issued<sup>4</sup> final regulations under the American Innovation and Manufacturing (AIM) Act to implement restrictions on the use of these high-GWP HFCs.

With this final rule, the EPA is restricting the use of high-GWP HFCs in aerosol products beginning January 1, 2025. However, the EPA is granting additional time (until January 1, 2028) for the following product categories:

- Cleaning products for removal of grease, flux, and other soils from electrical equipment or electronics;
- Refrigerant flushes;
- Products for sensitivity testing of smoke detectors;
- Lubricants and freeze sprays for electrical equipment or electronics;
- Sprays for aircraft maintenance;
- Sprays containing corrosion preventive compounds used in the maintenance of aircraft, electrical equipment or electronics, or military equipment;
- Pesticides for use near electrical wires or in aircraft, in total release insecticide foggers, or in certified organic use pesticides for which EPA has specifically disallowed all other lower-GWP propellants;
- Mold release agents and mold cleaners;
- Lubricants and cleaners for spinnerets for synthetic fabrics;
- Duster sprays specifically for removal of dust from photographic negatives, semiconductor chips, specimens under electron microscopes, and energized electrical equipment;
- Adhesives and sealants in large canisters;
- Document preservations sprays;
- Topical coolant sprays for pain relief; and
- Products for removing bandage adhesives from skin.

The EPA has also granted additional time (until January 1, 2028) for the limited number of aerosol product categories that use solvents HFC-43-10mee and HFC-245fa. EPA has provided this additional time due to the challenges in reformulating these product categories and the additional time needed to gain approval from U.S. Federal government agencies, such as the EPA and the Food and Drug Administration (FDA), or other third-party approvals.

The U.S. aerosol industry has always strived to improve the lives of consumers and workers through innovations that permit a better environment impact of aerosol products while continuing to provide the highest possible efficacy and safety when used in accordance with label instructions. This includes using aerosol propellants that have a better environmental

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<sup>4</sup> Environmental Protection Agency, "Phasedown of Hydrofluorocarbons: Restrictions on the Use of Certain Hydrofluorocarbons Under the American Innovation and Manufacturing Act of 2020," Federal Register 88, no. 204 (October 24, 2023): 73098 – 73212, <https://www.govinfo.gov/content/pkg/FR-2023-10-24/pdf/2023-22529.pdf>.

profile than the high-GWP, and with EPA's final rule, HCPA does not believe that CARB needs to take additional action on aerosol products. The only two aerosol product categories which are not impacted by EPA's final rule are metered-dose inhalers and defense sprays, both of which currently receive mandatory allowance allocation under the AIM Act, though HCPA anticipates that as manufacturers of these product categories are able to successfully show and receive approval for alternative propellants, the EPA will cease providing the mandatory allowance allocation for these categories.

HCPA would like to note that HFC-152a, which has a GWP of less than 150 and is categorized as a low GWP substance, is utilized by the aerosol industry in several product categories. While it is not a replacement for the product categories mentioned earlier in which EPA has granted additional time under the AIM Act, it is an important and sustainable option due to its volatile organic compound (VOC) exempt status, low GWP and safety profile for the aerosol industry compliance with CARB's VOC regulation for consumer products.<sup>5</sup>

HCPA also would like to take this opportunity to raise our concern about being able to switch to alternatives though as a result of the ongoing activity related to perfluoroalkyl and polyfluoroalkyl substances (PFAS) in the state of California. HCPA supports the restriction of PFAS that is persistent, bioaccumulative, and toxic (PBT); however, captured in the definition being used by the state of California is hydrofluoroolefins (HFO). Specific for aerosol products, HFO-1234ze is one of the propellant options being considered to replace the high-GWP HFC-134a. HFO-1234ze has undergone rigorous review by the EPA under the Significant New Alternatives Policy (SNAP) Program, and has also been granted an exemption by CARB from volatile organic compound (VOC) designation. Under these reviews, CARB and EPA reviewed the compound for potential adverse environmental and health impacts and found none.

CARB has the strictest VOC limits in the nation for consumer and commercial products, and limiting aerosol manufacturers options on how to reformulate and comply with these stringent standards makes it more difficult for companies to comply and CARB to achieve its VOC reduction targets. For all of us to be able to improve air quality while dealing with climate change, solutions such as the HFC-152a and HFOs need to remain available.

### **Small Cans of Automotive Refrigerant**

CARB regulates the sale, use, and disposal of small containers of automotive refrigerant with a GWP value greater than 150. While this regulation was last updated in 2017, the CARB board has approved<sup>6</sup> an update the program. The update includes requiring the use of certified reclaim refrigerant starting in 2025 and eventually requiring the use of 100% certified reclaim refrigerant in 2027. HCPA believes the use and eventual complete requirement of certified reclaim refrigerant sufficiently meets the requirements of SB 1206.

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<sup>5</sup> 17 CCR §§ 94507-17

<sup>6</sup> <https://ww2.arb.ca.gov/news/carb-removes-fee-refrigerant-canisters-used-fix-vehicle-air-conditioning-systems-reducing-auto>

CARB's analysis for the proposal showed that disadvantaged communities purchased and used a majority of the small cans of automotive refrigerant in the state of California. As these communities don't have the funds to have professional technicians maintain their vehicles and retrofitting the air conditioning system is cost-prohibitive for them, having access to these small cans is critical for them to maintain their vehicles. The use of certified reclaim refrigerant ensures that California meets the goal of transitioning away from high-GWP HFCs while disadvantaged communities will not suffer a disproportionate burden.

HCPA urges CARB not to take additional action in this space beyond the current rulemaking. HCPA applauds CARB for taking steps to launch a program that will assist low-income Californians to repair their vehicle's air conditioning system; however, it is important for CARB to recognize that if it is difficult for disadvantaged communities to obtain the small cans of automotive refrigerant that contains the correct refrigerant, CARB's regulatory action will further incentivize "unsafe and unapproved" products introduced and used in the California marketplace. According<sup>7</sup> to the EPA:

"While unsafe and not approved under the EPA's SNAP Program, HC refrigerants for use in MVACs can be purchased online and in stores, often in small cans. These cans can only be sold to certified technicians under CAA Sections 608 or 609, unless the cans have a self-sealing valve. They are sometimes advertised as replacements for refrigerants such as R-134a and R-1234yf. They have been sold under a variety of names, including ZeroR AC Refrigerant and Arctic Air for HFO-1234yf. The advertisements for these products may not mention that the alternative is a HC, such as propane, or a blend of HCs, or clearly state the safety risks associated with use of the product."

Overall, HCPA supports CARB's efforts to transition California's economy away from high-GWP HFCs and appreciate the opportunity to provide these comments regarding aerosol products and small containers of automotive refrigerant. If there are any questions about our comments, please do not hesitate to contact me at [ngeorges@thehcpa.org](mailto:ngeorges@thehcpa.org).

Respectfully submitted,



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<sup>7</sup> <https://www.epa.gov/mvac/questions-and-answers-about-safety-risks-using-hydrocarbons-hcs-motor-vehicle-air-conditioners>